

REMARKS

Independent claims 1 and 17 and dependent claims 7, 8 and 24 were amended, claims 6 and 20 were canceled and new claims 25 and 26 were added. Claims 1, 5, 7, 8, 10-15, 17, and 21-26 are currently pending.

The Office Action

The Examiner rejected claims 1, 5-8, 10-15, 17 and 20-24 under 35 U.S.C. 102(e) as being anticipated by Marx et al. (Marx), US Patent No. 6,950,504.

Marx teaches a method, apparatus and system for providing personal audio alert messages to a called party and a calling party during a call connection. As described in the Summary, a personal audio alert message (PAAM) identifying the called party to the calling party is sent to the calling party in response to a call origination by the calling party.

The Examiner stated that Marx discloses the invention as claimed in claim 1 in col. 9-10, lines 59-38 and col. 14, lines 21-51. However, the embodiment taught by Marx as described in this section does not disclose "determining that the called party terminal's line is busy" and "delivering a 'call waiting no answer' message to the calling party terminal notifying the calling party that the called party has call waiting", and "prompting the calling party to leave a message for the called party".

Rather, in col. 9-10, lines 59-38 and col. 14, lines 21-51, Marx discloses "by verbal commands and/or pre-programmed key entries on the called party's terminal device **150**, the called party may respond to the incoming call with an indication such as call accepted, call rejected, call busy, out of the office, call waiting, no answer, connecting to voice-mail, forwarding the call to a third party, etc.". This list provided in Marx separates the response "call waiting" and the response "no answer" with a comma, clearly indicating these two messages are distinct and thus are not the "call waiting no answer" message. Further, Marx does not disclose the wireless communications network starting a called party call pickup timer and delivering a "call waiting no answer" message to the calling party terminal notifying the calling party that the called party has call waiting after the call pickup timer expires. Thus claim 1, as well as claims 5, 7, 8, 10-15, 21 and 22 depending therefrom, are patentable over Marx.

Independent claim 17 was also rejected under 35 U.S.C. 102(e) as being anticipated by Marx. However amended claim 17, as well as claims 23 and 24 depending therefrom, are now patentable for similar reasons as those provided above.

Applicants hereby request a telephonic interview with the Examiner which can be arranged by calling Patrick Floyd at 216-861-5582 to discuss the disposition of the currently pending claims.

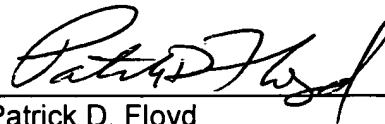
CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 5, 7, 8, 10-15, 17, and 21-26) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at (216) 861-5582.

Respectfully submitted,

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 Date

CERTIFICATE OF MAILING

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